

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)**

THE NATIONAL FEDERATION OF THE
BLIND, ET AL.,

Plaintiffs,

v.

U.S. DEPARTMENT OF EDUCATION,
ET AL.,

Defendants.

Civil Action No. 1:18-cv-01568-TDC

MOTION TO FILE SUPPLEMENTAL COMPLAINT

Plaintiffs, by their undersigned counsel, pursuant to Federal Rule of Civil Procedure 15(d), hereby file this Consent Motion to File Supplemental Complaint to add events regarding the dismissal of complaints by the Department of Education Office for Civil Rights that happened after the date of the Complaint. Complaint, ECF 1. After the filing of the Complaint, Plaintiffs learned that Defendants had relied on section 108(k) of the March 2018 Case Processing Manual to dismiss at least one complaint filed by a parent against a public educational institution. Section 108(k), as amended in the 2018 Case Processing Manual, provides for dismissal of a complaint if a similar complaint by another complainant was previously dismissed pursuant to, *inter alia*, section 108(t). Defendants are using section 108(k) to dismiss complaints by victims of discrimination who have never filed a pattern of complaints and who, therefore, are not subject to section 108(t), and, thus further extending the inappropriate application of section 108(t). Plaintiffs, therefore, request that this Court grant their Motion to File a Supplemental Complaint to add these allegations.

On November 18 and 19, 2018, Plaintiffs' Counsel conferred with Defendants' Counsel via email regarding the relief requested in this motion, and Defendants' counsel did not respond by the time of filing.

WHEREFORE, Plaintiffs request that their Motion be granted and that the Court order that the Supplemental Complaint be docketed appropriately.

Respectfully submitted,

Dated: November 20, 2018

/s/

Eve L. Hill (Fed. Bar No. 19938)
Brooke E. Lierman (Fed. Bar No. 17879)
BROWN, GOLDSTEIN & LEVY, LLP
120 East Baltimore Street, Suite 1700
Baltimore, MD 21202
T: (410) 962-1030
F: (410) 385-0869
ehill@browngold.com
blierman@browngold.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of November 2018, I electronically filed the foregoing Motion to File Supplemental Complaint using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/
Eve L. Hill (Fed. Bar No. 19938)